



General Assembly

January Session, 2007

Amendment

LCO No. 7779

SB0110107779SD0

Offered by:
SEN. LOONEY, 11th Dist.

To: Subst. Senate Bill No. 1101

File No. 227

Cal. No. 247

"AN ACT CONCERNING MOTOR VEHICLE REPAIRS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 38a-352 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2007*):

5 (a) All claims paid by an insurer, a holding company of an insurer
6 or a wholly owned subsidiary of an insurer for any loss to motor
7 vehicles or any claim for damages to motor vehicles, shall be paid to
8 the claimant by check, electronic transfer to the claimant or other
9 means that provide the claimant immediate access to the funds.

10 (b) The labor rate for the repair of damages to motor vehicles that is
11 paid by an insurer, a holding company of an insurer or a wholly
12 owned subsidiary of an insurer to the claimant shall be based on the
13 usual and customary rate for such repairs. For the purposes of this
14 subsection, "usual and customary rate" means the labor rate that the
15 general public commonly pays for similar repairs on similar motor

16 vehicles in the same geographic area of the state.

17 (c) Any violation of the provisions of this section by an insurer shall
18 be deemed an unfair or deceptive insurance practice under section 38a-
19 816.

20 Sec. 2. Section 38a-354 of the general statutes is repealed and the
21 following is substituted in lieu thereof (*Effective July 1, 2007*):

22 (a) No automobile physical damage appraiser shall request or
23 require that appraisals or repairs should or should not be made in a
24 specified facility or repair shop or shops. Such appraiser shall include
25 with the appraisal the following notice, printed in not less than ten-
26 point boldface type:

27 NOTICE

28 PURSUANT TO CONNECTICUT LAW, THE CONSUMER HAS
29 THE RIGHT TO CHOOSE THE REPAIR FACILITY TO MAKE
30 REPAIRS TO A MOTOR VEHICLE AND AN INSURANCE
31 COMPANY MAY NOT INTERFERE WITH THE CONSUMER'S
32 CHOICE OF REPAIR FACILITY.

33 (b) No insurance company doing business in this state, or agent or
34 adjuster for such company shall request or require any insured to use a
35 specific person for the provision of automobile physical damage
36 repairs, automobile glass replacement, glass repair service or glass
37 products unless otherwise agreed to in writing by the insured.

38 (c) For the purposes of this section, the term "request or require"
39 includes any act to influence a consumer's decision including, but not
40 limited to, (1) reducing the amount of deductible or premium or
41 offering additional warranties if the consumer chooses a preferred
42 repair facility, or (2) suggesting that choosing a facility other than a
43 preferred repair facility will result in delays in repairing the motor
44 vehicle, a lack of guaranty for repair work or additional costs to the
45 insured."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	38a-352
Sec. 2	<i>July 1, 2007</i>	38a-354